

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 23, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VERNA C.
on behalf of "T.O.",¹

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security,

Defendant.

No. 4:19-CV-5269-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On July 22, 2020, the parties filed a Stipulated Motion for Remand. ECF No. 15. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings before an administrative law judge (ALJ) for a de novo hearing and a new decision as to Plaintiff Verna C.'s application for

¹ To protect the privacy of the social-security Plaintiff, the Court refers to her by first name and last initial or by "Plaintiff." See LCivR 5.2(c). The Court refers to minor children by their initials.

1 supplemental security income payments under Title XVI of the Social Security
2 Act. As part of this de novo hearing on remand, the ALJ is to obtain a new
3 consultative examination, if available, and reevaluate the severity of T.O.'s mental
4 impairment, with the assistance of a medical expert if available; reevaluate and
5 further develop the opinion evidence of record, including Dr. Marks' and Dr.
6 Brown's opinions; and reevaluate whether T.O.'s impairment or combination of
7 impairments meets or medically equals the severity of, or functionally equals a
8 Listing. The parties also agree that Plaintiff is entitled to reasonable attorney fees
9 and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper
10 request to the Court.
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12 Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

- 13 1. The parties' Stipulated Motion for Remand, **ECF No. 15**, is
14 **GRANTED.**
- 15 2. Judgment shall be entered for **Plaintiff.**
- 16 3. This matter is **REVERSED** and **REMANDED** to the Commissioner
17 of Social Security for further administrative proceedings pursuant to
18 sentence four of 42 U.S.C. § 405(g). On remand, the ALJ is to conduct
19 a de novo hearing, including obtaining a new consultative
20 examination, if available, and reevaluating the severing of T.O.'s
21 mental impairment, with the assistance of a medical expert if
22 available; reconsidering the opinion evidence (including Dr. Marks'
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1 and Dr. Brown's opinions); and reevaluating step three, and then
2 issue a new decision as to Plaintiff's application.

3 4. All pending motions are **DENIED AS MOOT**.

4 5. All hearings and other deadlines are **STRICKEN**.

5 6. If filed, the Court will consider Plaintiff's motion for fees and
6 expenses under the Equal Access to Justice Act.

7 7. The Clerk's Office is directed to **CLOSE** this file.

8 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
9 and provide copies to all counsel.

10 **DATED** this 23rd day of July 2020.

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12
13 s/Edward F. Shea
14 EDWARD F. SHEA
15 Senior United States District Judge
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